

COMMENTS

The enclosed is responsive to the Examiner's Final Office Action mailed on April 15, 2010 and is being filed pursuant to a Request for Continued Examination (RCE) as provided under 37 CFR 1.114. At the time the Examiner mailed the Office Action claims 1-6 and 37-48 were pending. By way of the present response the Applicant has: 1) amended claims 1, 2, 37, 38, 43 and 44; and, 2) not canceled or added any claims. As such claims 1-6 and 37-48 remain pending. The Applicant respectfully requests reconsideration of the instant application and the allowance of claims 1-6 and 37-48.

The Examiner has rejected independent claims 1, 37 and 43 as being obvious under 35 U.S.C. 103 in view of the Nimmagadda and Kardach references. According to the Examiner: "Nimmagadda fails to disclose that the handheld device is in communication with a laptop. However, Kardach discloses a handheld device in communication with a laptop in a low power state". Examiner's Action 4/15/10, p.2. In Response the Applicant has amended independent claims 1, 37 and 43 to recite (emphasis added):

executing a service selection method on an off load processor of a laptop/notebook computing system that is capable of communicating with a handheld device to dynamically select an available wide area wireless network service for handling telephony traffic sent to/from said handheld device, said executing being performed while a main CPU of said computing system is in a low power state, said handheld device capable of communicating telephony traffic to and receiving telephony traffic from a wide area wireless network.

Notably, the disclosure of Kardach upon which the Examiner relies refers to a cordless phone. The Applicant respectfully submits that one of ordinary skill would easily recognize that a cordless phone is understood to be incapable of communication over a wide area wireless network (such as a cellular network for a cell phone). Moreover, Nimmagadda only refers to DSL communication and its associated wired communication link 22.

As such, the combination of Nimmagadda and Kardach is not capable of disclosing the subject matter being claimed wherein the handheld device is capable of communicating telephony traffic to and receiving telephony traffic from a wide area wireless network, and, the available network service is a wide area wireless network service. As such, the Applicant respectfully requests the removal of the Examiner's rejection and the allowance of all pending claims.

In light of the comments above, the Applicant respectfully requests the allowance of all claims.

CONCLUSION

If there are any additional charges, please charge Deposit Account No. 02-2666. If a telephone interview would in any way expedite the prosecution of this application, the Examiner is invited to contact Robert B. O'Rourke at (408) 720-8300.

Respectfully submitted,

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